

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TYRE WOODS, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
September 27, 2005

Petitioner-Appellee,

v

BENJAMIN WENDELL WOODS,

Respondent-Appellant.

No. 261925
Wayne Circuit Court
Family Division
LC No. 04-437035-NA

Before: Bandstra, P.J., and Neff and Donofrio, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(a)(ii), (g), (h), and (j). We affirm.

The trial court did not clearly err in finding that statutory grounds to terminate respondent's parental rights had been established by clear and convincing evidence. MCR 3.977(J); *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Gazella*, 264 Mich App 668, 672; 692 NW2d 708 (2005).

Respondent had a criminal history of embezzlement, domestic violence, and OUIL, and at the time of the termination trial was imprisoned following a guilty plea conviction of first-degree criminal sexual conduct involving a seven-year-old victim. He was also serving a concurrent sentence for parole violation. His earliest out date is October 4, 2013. Respondent called or visited the minor child only three times in the last six years and has never provided financial support, beyond a few gifts, for the child. Under these circumstances, the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence.

Furthermore, the evidence did not show that termination of respondent's parental rights was inconsistent with the child's best interests. MCL 712A.19b(5). Respondent argues that he maintained contact with his son and provided clothing, school supplies, and gifts. This is a rather specious argument since the evidence showed he visited the child only three times in six years. One of those three times was his son's fifth birthday, and respondent brought him a book bag and some clothes. There was no other evidence that respondent provided anything

additional for his son's needs. Respondent's appellate argument that he set up a trust fund for the child from his inheritance following his mother's death is suspect. Respondent has never provided for the child and now claims a genuine desire to provide for him through an alleged trust of unknown value. This child resides with his mother and her fiancé in a home described as suitable and where, according to petitioner's testimony, the child receives very good care. The child does not recognize respondent as his father, never asks about respondent, and considers his mother's fiancé to be his father. Respondent is a convicted child molester and will be incarcerated at least until the minor child is fifteen years old. We conclude that the trial court did not clearly err in its determination regarding the minor child's best interests.

Affirmed.

/s/ Richard A. Bandstra

/s/ Janet T. Neff

/s/ Pat M. Donofrio